

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:17-cr-00098-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRIUS EUGENE SMITH,

Defendant.

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ORDER

THIS MATTER is before the Court on remand from the Fourth Circuit Court of Appeals, United States v. Smith, No. 18-4394, 2019 WL 4724052 (4th Cir. Sept. 27, 2019).

Upon consideration of the Fourth Circuit's opinion,

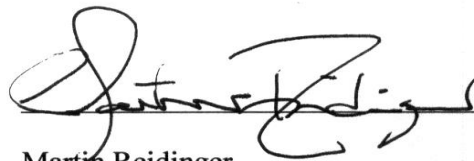
IT IS, THEREFORE, ORDERED that, the Judgment entered on May 29, 2018 [Doc. 41] is **VACATED**, and the Bill of Indictment [Doc. 1] in this case is hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Judgment on Revocation entered on January 18, 2019 [Doc. 63] is **VACATED**, and the Petition for Revocation and the warrant issued on November 21, 2018 pursuant thereto [Doc. 55] are hereby **DISMISSED WITH PREJUDICE**.

The Clerk of Court is respectfully directed to provide a copy of this Order to counsel for the Government, counsel for the Defendant, the United States Bureau of Prisons, the United States Marshals Service, and the United States Probation Office.

IT IS SO ORDERED.

Signed: October 26, 2019


Martin Reidinger
United States District Judge

